

**RESTRICTIVE COVENANT AMENDMENT REVIEW SHEET**

**CASE:** C14-06-0121(RCA)

**Z.A.P. DATE:** July 13, 2010

**ADDRESS:** 10712, 10728, 10800, 11000, 11500, 11600 Burnet Road; 11601 Domain Drive;  
2900, 3001, 3101 Esperanza Crossing

**OWNER/APPLICANT:** SPGIL Domain LP,  
The Domain Shopping Center LP (Richard S. Sokolov),  
Heritage Communities LP

**AGENT:** Drenner & Golden Stuart Wolff, LLP (Michele Haussmann)

**EXISTING ZONING:** MI-PDA

**AREA:** 169.7386 acres

**REQUESTED AMENDMENT:**

To modify the time period associated with the requirements to provide 9-acres of private parkland within the Domain development.

**SUMMARY STAFF RECOMMENDATION:**

Staff recommends the applicant's request for the first amendment to the restrictive covenant for the property known as The Domain-Endeavor site.

**DEPARTMENT COMMENTS:**

In this amendment to the restrictive covenant for the Domain property, the applicant is asking to add language to Paragraph 7 to clarify the time period for the development of 9-acres of private parkland within the site (Please see original restrictive covenant – Attachment A). The proposed language would read as follows (in italics):

- 7 Parks Parkland Dedication requirements shall be satisfied as follows:
- a. Nine acres of private parks shall be provided by the Owner within the development.  
*The requirements to provide the 9-acres of private parkland shall be constructed upon the earlier of the first residential unit constructed south of Esperanza Crossing and adjacent to the park or prior to the completion of 500 residential units north of Esperanza Crossing.*

The City of Austin Parks and Recreation Department has reviewed this request and has stated that they are in accordance with the proposed amendment to the restrictive covenant.

**ZONING AND PLATTING COMMISSION RECOMMENDATION:**

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	MI-PDA	Commercial, Retail, Multi-family
<i>North</i>	NBG-NP	Hotel, Office, Bank

<i>South</i>	NBG-NP, MI, P	Financial Services, University of Texas J.J. Pickle Research Center
<i>East</i>	NBG-NP	Industrial/Office, Manufacturing, Gas Station, Retail Center, Bank, Service Station
<i>West</i>	MI-PDA	Commercial, Retail, Multifamily, Hotel

**AREA STUDY:** North Burnet/Gateway

**TIA:** N/A

**WATERSHED:** Walnut Creek, Shoal Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** N/A

**HILL COUNTRY ROADWAY:** Yes

**NEIGHBORHOOD ORGANIZATIONS:**

- Austin Independent School District
- Austin Monorail Project
- Austin Neighborhoods Council
- Austin Parks Foundation
- Homebuilders Association of Greater Austin
- Homeless Neighborhood Association
- League of Bicycling Voters
- Neighborhoods of North Austin/NONA
- North Burnet/Gateway Neighborhood Planning Contact Team
- North Burnet/Gateway Neighborhood Plan Staff Liaison
- North Growth Corridor Alliance
- Sierra Club, Austin Regional Group
- Super Duper Neighborhood Objectors and Appealers Organization
- The Real Estate Council of Austin

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-06-0121	MI-PDA to MI-PDA	<p>2/13/10: Approved staff's rec. for MI-PDA zoning with additional conditions of:</p> <ul style="list-style-type: none"> <li>• 2 star Green Building rating</li> <li>• natural landscaping of all water quality ponds (existing and future);</li> <li>• be in compliance with TIA conditions;</li> <li>• the applicant's requested parkland dedication proposal;</li> <li>• height base of 140-ft; plus an additional 12-stories based on electing to provide some of the public benefits as listed in</li> </ul>	<p>3/01/07: Approved MI-PDA zoning with the addition of low albedo roofing materials, one star construction for the total site and two star construction for 50% of the office and residential construction (7-0); McCracken-1<sup>st</sup>, Dunkerley-2<sup>nd</sup>.</p>

		<p>the North Burnet/Gateway Neighborhood Plan.</p> <ul style="list-style-type: none"> <li>Maximum height of 308 feet.</li> </ul> <p>Vote: (9-0); J.Reddy-1<sup>st</sup>, G. Stegeman-2<sup>nd</sup>.</p>	
C14-06-0154	MI-PDA to MI-PDA	8/08/06: Approved staff rec. of MI-PDA by consent (8-0)	<p>09/28/06: Approved MI-PDA (7-0); 1<sup>st</sup> reading</p> <p>10/05/06: Approved MI-PDA changes as a condition of zoning (6-0); 2<sup>nd</sup>/3<sup>rd</sup> readings</p>
C14-04-0151	MI-PDA to MI-PDA	11/23/04: Approved staff recommendation of MI-PDA, with Environmental Board conditions (9-0).	12/16/04: Approved MI-PDA (7-0); all 3 readings
C14-04-0146	P to CH	11/9/04: Approved staff's recommendation of CH zoning with conditions (9-0)	12/2/04: Approved CH zoning (7-0); all 3 readings
C14-03-0017	MI-PDA to MI-PDA	6/11/03: Approved staff's recommendation of MI-PDA zoning, with inclusion of original PDA conditions (as read into the record) from Ordinance #000608-67 (8-0, R. Pratt-off dias)	7/31/03: Granted MI-PDA on all 3 readings (7-0)
C14-03-0016	MI to MI-PDA	6/11/03: Approved staff's recommendation of MI-PDA zoning (8-0, R. Pratt-off dias)	7/31/03: Granted MI-PDA on all 3 readings (7-0)
C14-03-0015	MI to CS	6/11/03: Approved staff's recommendation of CS-CO zoning (8-0, R. Pratt-off dias)	7/31/03: Granted CS-CO on all 3 readings
C14-02-0062	LI to CS-1	6/12/02: Approved CS-1 by consent (8-0)	7/11/02: Approved PC rec. of CS-1 (7-0); all 3 readings
C14H-00-2177	LI-PDA to LI-PDA	10/24/00: Approved staff rec. of LI-PDA (TR1), LI-PDA-H (TR2) by consent (9-0)	11/30/00: Approved LI-PDA (TR1) and LI-PDA-H (TR2); (7-0); all 3 readings
C14-00-2065	MI to MI-PDA	<p>5/9/00: Approved staff rec. of MI-PDA by consent (8-0); with the following conditions:</p> <ol style="list-style-type: none"> <li>1) That minimum lot size be 1 acre provided for any lots that directly abut Braker Lane and Burnet Road (but not both) and which are less than 3 acres in size.</li> <li>2) The total number of additional curb cuts on</li> </ol>	6/8/00: Approved MI-PDA, with changes agreed to with neighborhood association (7-0); all 3 readings

		<p>Braker Lane &amp; Burnet Road providing access to such lots shall not exceed 50 % of the total number of such lots.</p> <p>3) The foregoing limitation shall not apply to any lot of more than 3 acres, which abut Braker Lane and Burnet Road.</p>	
C14-99-0024	MI to GR	4/20/99: Approved staff alternate rec. of GR-CO by consent (7-0)	<p>5/20/99: Approved PC rec. of GR-CO w/ conditions (7-0); 1<sup>st</sup> reading</p> <p>6/3/99: Approved GR-CO w/ conditions (7-0); 2<sup>nd</sup>/3<sup>rd</sup> readings</p>
C14-92-0072	IP to P	8/18/92: Approved	9/3/92: Approved P; all 3 readings

**RELATED CASES:** C14-2010-0015 (Current rezoning case)

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Sidewalks	Bus Route	Bike Route
MoPac	500'	Varies	Arterial	Portions	No	No
Burnet Road	120'	65'	Arterial	No	Yes	Priority 2
Braker Lane	Varies	2 @ 36'	Arterial	No	Yes	Priority 2

**CITY COUNCIL DATE:**

**ACTION:**

**ORDINANCE READINGS:** 1st

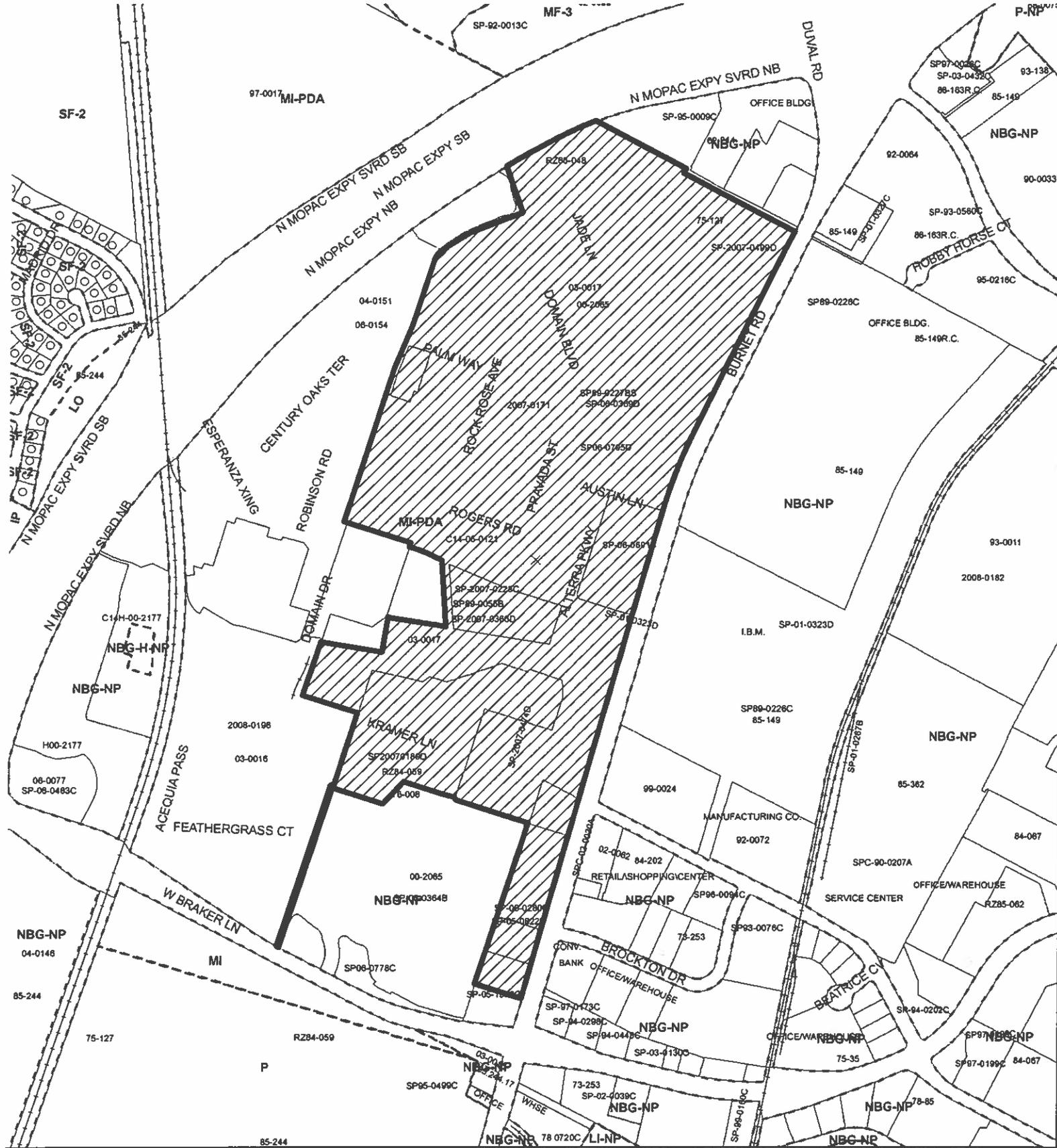
2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Sherri Sirwaitis

**PHONE:** 974-3057,  
[sherri.sirwaitis@ci.austin.tx.us](mailto:sherri.sirwaitis@ci.austin.tx.us)



 **SUBJECT TRACT**  
 **ZONING BOUNDARY**  
 **PENDING CASE**  
**OPERATOR: S. MEEKS**

**ZONING**  
**ZONING CASE#: C14-06-0121(RCA)**  
**ADDRESS: 2900 ESPERANZA CROSSING**  
**SUBJECT AREA: 169.7386 ACRES**  
**GRID: K33-34**  
**MANAGER: S. SIRWAITIS**





14P-85-035  
85-244

SP-97-0467A  
SF-2

BALCONES WOODS DR  
SF-2

MADRID CV  
SF-2

BUSCALI DR  
SF-2

GALA CV DR  
SF-2

ALHAMBRA DR  
SF-2

1244.4RC  
SF-2

SP-97-0221C  
SP-95-0488C  
93-0121P

SP-95-0305C

SP-94-0335C

SP-94-0336C  
85.244.4RC

SP-94-0335C

SP-94-0335C

SP-94-0335C

SP-94-0335C

SP-94-0335C

SP-94-0335C

SP-94-0335C

SP-94-0335C

SP-94-0335C

SP-97-0017  
MI-PDA

04-0151  
06-0154

03-0017  
75-127-00-2065

SP-89-0227BS

2007-0171  
SP-05-1200D.CF  
00-2065

SP-04-1003D

C14-06-0121

SP-2007-0223C  
SP-89-0055B  
SP-2007-0366D

03-0017

SP-06-069 C

SP-01-0323D

SP-05-1201C  
93-0011

2008-0182

SP-90-0135

SP-98-0390C  
SP-95-0232

94-150

SP-88-0920

SP-88-0920

SP-93-0163C

SP-88-0920

SP-97-0198C

SP-92-0445C

SP-95-0001

SP-92-0445C

SP-95-0001

